

The bill (H.R. 3703) was ordered to a third reading, was read the third time, and passed.

DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 537, S. 781.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 781) to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Commerce, Science, and Transportation, with an amendment

To strike all after the enacting clause and insert in lieu thereof the following:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Do-Not-Call Registry Fee Extension Act of 2007”.

SEC. 2. FEES FOR ACCESS TO REGISTRY.

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

“SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

“(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the ‘do-not-call’ registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

“(b) ANNUAL FEES.—

“(1) IN GENERAL.—The Commission shall charge each person who accesses the ‘do-not-call’ registry an annual fee that is equal to the lesser of—

“(A) \$54 for each area code of data accessed from the registry; or

“(B) \$14,850 for access to every area code of data contained in the registry.

“(2) EXCEPTION.—The Commission shall not charge a fee to any person—

“(A) for accessing the first 5 area codes of data; or

“(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the ‘do-not-call’ registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

“(3) DURATION OF ACCESS.—

“(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the ‘do-not-call’ registry for which the person has paid during that person’s annual period.

“(B) ANNUAL PERIOD.—In this paragraph, the term ‘annual period’ means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

“(c) ADDITIONAL FEES.—

“(1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person’s annual period.

“(2) RATES.—For each additional area code of data to be accessed during the person’s annual period, the Commission shall charge—

“(A) \$54 for access to such data if access to the area code of data is first requested during the first 6 months of the person’s annual period; or

“(B) \$27 for access to such data if access to the area code of data is first requested after the first 6 months of the person’s annual period.

“(d) ADJUSTMENT OF FEES.—

“(1) IN GENERAL.—

“(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

“(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

“(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

“(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

“(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

“(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

“(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

“(5) DEFINITIONS.—In this subsection:

“(A) CPI.—The term ‘CPI’ means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

“(B) BASELINE CPI.—The term ‘baseline CPI’ means the CPI for the 12-month period ending June 30, 2008.

“(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission’s regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

“(f) HANDLING OF FEES.—

“(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account ‘Federal Trade Commission—Salaries and Expenses’, and such sums shall remain available until expended.

“(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts.”.

SEC. 3. REPORT.

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

“SEC. 4. REPORTING REQUIREMENTS.

“(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

“(1) the number of consumers who have placed their telephone numbers on the registry;

“(2) the number of persons paying fees for access to the registry and the amount of such fees;

“(3) the impact on the ‘do-not-call’ registry of—

“(A) the 5-year reregistration requirement;

“(B) new telecommunications technology; and

“(C) number portability and abandoned telephone numbers; and

“(4) the impact of the established business relationship exception on businesses and consumers.

“(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

“(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

“(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry’s effectiveness; and

“(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcement.”.

SEC. 4. RULEMAKING.

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) made by this Act.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported amendment be considered and agreed to, the bill as amended be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 781), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2096.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2096) to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal “do-not-call” registry.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Do-Not-Call Improvement Act of 2007”.

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED TELEPHONE NUMBERS.

(a) IN GENERAL.—The registration of a telephone number on the do-not-call registry of the

Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) shall not expire at the end of any specified time period.

(b) **REINSTATEMENT.**—*The Federal Trade Commission shall reinstate the registration of any telephone number that has been removed from the registry before the date of enactment of this Act under a Federal Trade Commission rule or practice requiring the removal of a telephone number from the registry 5 years after its registration.*

(c) **REGISTRY MAINTENANCE.**—*The Federal Trade Commission may check telephone numbers listed on the do-not-call registry against national databases periodically and purge those numbers that have been disconnected and reassigned.*

Mr. DODD. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3867) was agreed to, as follows:

(Purpose: To require the FTC to report to the Congress on its efforts to improve the accuracy of the Do-Not-Call Registry)

At the end of the bill, add the following:

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to the Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the “do-not-call” Registry.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Do-Not-Call Improvement Act of 2007”.

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED TELEPHONE NUMBERS.

(a) **IN GENERAL.**—The registration of a telephone number on the do-not-call registry of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) shall not expire at the end of any specified time period.

(b) **REINSTATEMENT.**—The Federal Trade Commission shall reinstate the registration of any telephone number that has been removed from the registry before the date of enactment of this Act under a Federal Trade Commission rule or practice requiring the removal of a telephone number from the registry 5 years after its registration.

(c) **REGISTRY MAINTENANCE.**—The Federal Trade Commission may check telephone numbers listed on the do-not-call registry against national databases periodically and purge those numbers that have been disconnected and reassigned.

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to the Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the “do-not-call” Registry.

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. DODD. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 660, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, at the very beginning of this Congress, one of the very first actions I took was to reintroduce the Court Security Improvement Act of 2007, along with Senators REID, SPECTER, DURBIN, CORNYN, KENNEDY, HATCH, SCHUMER and COLLINS. The Judiciary Committee considered this important legislation, and recommended it to the full Senate. When Majority Leader REID wanted to move to consider it, he could not get a time agreement. We were forced to dedicate almost a week of precious floor time to overcome a Republican objection, just to proceed to debate on the bill. Eventually, the measure passed by a 97 to 0 vote. Not a single Senator voted against it. A short time later, a nearly identical bill passed the House by a voice vote. Despite the broad bipartisan support for both bills, however, we were blocked from going to conference to resolve the minor differences between them by an anonymous hold placed by a Republican Senator. For months, we negotiated the minor differences between the House and Senate versions of this legislation.

When we are responding to attacks and threats on our Federal judges, witnesses and officers, time is of the essence. Just last month in Nevada, a man admitted to shooting and injuring the family court judge who was presiding over his divorce. This type of violence against our judiciary can and must be prevented. For our justice system to function effectively, our judges and other court personnel must be safe and secure. They and their families must be free from the fear of retaliation and harassment. Witnesses who come forward must be protected, and the courthouses where our laws are enforced must be secure. Today, almost eleven months after introducing this legislation, we may actually reach consent to pass a compromise version that will pass the House and be sent to the President.

We must act now to get these protections in place and stop delaying such protective measures by anonymous holds. I urge Senators to take up and pass this compromise version of the Court Security Improvement Act so that we can provide the necessary protections that our Federal courts so desperately need. The security of our Federal judges and our courthouses around the Nation is at stake.

Mr. KYL. Mr. President, I rise today to comment on H.R. 660, the Court Security Improvement Act of 2007. Section 509 of the final substitute transfers one seat from the U.S. Court of Appeals for the District of Columbia Circuit to the U.S. Court of Appeals for the Ninth Circuit. The reasons for this change are explained in Senator FEINSTEIN's and my additional views in S. Rept. 110-42.

Section 102 of the bill authorizes the U.S. Marshals Service to provide protection to the U.S. Tax Court, and stipulates that the Marshals Service retains final authority regarding the Tax Court's security needs. The Tax Court has expressed concern to me and to other Members that the Marshals Service should consult with the Tax Court about the costs that it expects to incur for providing security—costs that will be charged to the Tax Court. The Marshals Service has assured Congress that it will consult with the Tax Court on these matters and that it will not surprise the Tax Court with charges that the court may have difficulty paying. Rather than include heavy-handed consultation requirements in the text of the legislation, we have agreed to adopt the bill in its current form on the strength of these assurances.

Section 202 of the bill makes it an offense to disseminate sensitive personal information about Federal police officers and criminal informants and witnesses. The final version extends this offense to also protect State law enforcement officers, but only to the extent that their participation in Federal activities creates a Federal interest sufficient to maintain this provision's consistency with principles of federalism.

Section 207 increases statutory maximum penalties for manslaughter under section 1112 of title 18. I expect the U.S. Sentencing Commission to revise its guidelines for these offenses in light of these new higher statutory maxima. I commented on the need for these changes when the Senate version of this bill passed the Senate earlier this year and would refer interested parties to those remarks and especially to Paul Charlton's testimony, at 153 CONG. REC. S4739-4741, daily ed. April 19, 2007.

Section 208 increases the penalties for retaliatory assaults against Federal judges' family members. This provision also clarifies an assault offense that was created by Congress in 1994. The offense establishes penalties for simple assault, assault with bodily injury, and for assault in “all other cases.” As one might imagine, the meaning of assault in “all other cases” has been the subject of confusion and judicial debate. The offense has also been the subject of constant vagueness challenges, and although those legal challenges have been rejected, the offense is rather vague. Section 208 takes the opportunity to correct this legislative sin, codifying what I believe is the most thoughtful explanation of what this